

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A SPECIAL MEETING HELD ON
SEPTEMBER 27, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
VICTORIA SELVA (arrived 7:05 P.M.)
DAWN SLOSSON

ABSENT: NONE

ALSO PRESENT: COLLEEN O'CONNOR, TOWNSHIP ATTORNEY
JERRY SCHMEISER, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:03 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. Member SELVA absent.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail

Chairman FLORENCE stated that a letter had been received requesting to move item 8 to item 5.

MOTION by GALLAGHER seconded by SLOSSON to approve the agenda as amended.

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by POPOVSKI seconded by GALLAGHER to approve the meeting minutes of September 13, 2005 as presented.

MOTION carried.

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PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(5) Cornerstone Land Development Permanent Parcel No. 08-21-308-010	Section 10.0704(B)(3)
(6) William and Linda Stark Permanent Parcel No. 08-29-300-002	Section 10.0704(D)(1)\
(7) Montana Homes, Inc. Permanent Parcel No. 08-04-300-005	Section 10.0704(A)(3)(C) 10.0704(D)(3)(b)
(8) Simone Mauro Permanent Parcel No. 08-31-300-014	Section 10.0335
8. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE; Permission to vary section: 10.0335 Request to create a parcel with no frontage or a public street Located on the North side of Hall Road, approx. 1/4 mile East of Hayes Road; Section 31; Simone Mauro, Petitioner. Permanent Parcel No. 08-31-300-014.	

Chairman FLORENCE read the findings and recommendation of September 22, 2005. They are as follows:

The petitioner is requesting that the zoning ordinance be varied as it applies to this property eliminating road frontage for a parcel. The purpose apparently to split the parcel to create a secondary commercial site.

Member SELVA arrived at 7:05 P.M.

A review of the site plan indicates the petitioner plans an easement for ingress and egress to the secondary parcel. However, no provision is made for maintaining required setbacks or clear vision zones for the access drive.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

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1. Compliance with the strict letter of the development requirements of the zoning ordinance would not unreasonably prevent the ownership from using the property as zoned. Other commercial structures planned in Macomb Township will be required to comply with the same development requirements of the zoning ordinance which is evidence that the proper development requirements would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the development requirements. As a result the other property owners do not have the opportunity to make use of additional property for development.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the development requirements from being maintained. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

The following letter of explanation was submitted by the petitioner dated September 16, 2005.

“Applicant submitted its land division request pertaining to the above-referenced property. Parcel I.D. No. 08-31-300-014 (8 gross acres more or less), seeking to split the parent parcel into Parcels A and B, with a 70’ wide ingress and egress easement to service both Parcels from Hall Road. (See attached sketch). The user of Parcel A, National Coney Island, seeks to purchase said property; thus necessitating the land division.

In a letter dated August 28, 2005, the Township Assessor informed Applicant that the land division request was denied, on the bases that proposed Parcel B does not meet the minimum required frontage on a public road, pursuant to Section 10.0335. Under Article V of the Township’s Land Division Ordinance, Section 17-162(a)(iii), a parcel in excess of 10 acres must comply with the frontage requirements of the Township Zoning Ordinance. The subject property is less than 10 acres in size. Notwithstanding, Section 10.0335 of the Township Zoning Ordinance mandates that development of all parcels in Macomb Township shall be predicated upon having frontage on a public street.

There is currently a 60’ wide ingress and egress drive from the property to Hall Road. Applicant proposes to expand this ingress/egress drive to 70’ wide and to extend it north to also service the proposed Parcel B. Parcels A and B will thus have ingress and egress from and to Hall Road, utilizing a common drive in perpetuity. The resulting two (2) Parcels will be in conformance with the Township Land Division Ordinance requirements, relative to

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width to depth and site criteria for the C-2 zoning district. The State Land Division Act requires "suitable access" to the subject property. (MCL 560.182(4)(a)). The ingress and egress drive currently provides suitable access to the existing property and the National Coney Island business thereon, and will also provide suitable access to the divided Parcel B, as required under the Land Division Act.

As the Township encourages limited access and joint drive approaches when fronting on major roadways, Parcels A and B will be adequately serviced with the ingress/egress drive, which meets the spirit and intent of the Township's policy and zoning ordinance. When split, the properties will conform to the dimensional requirements of the C-2 zoning district and additional development can take place on Parcel B, providing an increased tax base for the Township. The ingress and egress easement drive will provide suitable access to both parcels, as required under the Land Division Act and the Township's Land Division Ordinance.

The subject property, in its current configuration, has a depth of 1,090', more or less, and a width of 321', more or less. The land division will result in two (2) separate parcels which conform to the C-2 zoning ordinance relative to minimum parcel size, width, depth, etc. It is impossible, due to the narrow and deep configuration of the property, for proposed Parcel B to have frontage on a public road. Enforcement of Section 10.0335 would cause a practical difficulty and/or unnecessary hardship, and deprive Applicant of the ability to utilize his property as permitted under the Township Zoning Ordinance and Land Division Act. Both Parcels will be serviced by an ingress/egress drive and suitable access will be provided, as required under the Act. The current configuration of the property is unique and was not created by the Applicant. The requested variance will not confer special privileges that are denied other properties that are similarly situated and which are located in the same zoning district, nor will it result in any detriment to the surrounding uses and/or property. In fact, as more similarly shaped parcels are brought to the Township in the near future for land division, Ordinance No. 10.0335 will in essence become impractical, as it will be impossible to have all newly created parcels fronting on a public road. As long as suitable access is provided to all newly created parcels as required under the Land Division Act, there is no detriment to the health, safety or welfare.

In light of the above, Applicant respectfully requests that its variance be granted, so as to allow the land division to be effectuated."

Tom Kalas, representative, was in attendance. He referenced the sketches and maps that had been submitted with the application noting that the parcel in question is a very long and narrow parcel. The current user is seeking to split the parcel into two (2) conforming parcels under the C-2 section of the Zoning Ordinance. An application for property split was submitted and was denied by the Township Assessor in a letter dated August 28, 2005. The reason for the denial was that the proposed Parcel "B" failed to meet the frontage on a public road requirement. The property is a unique parcel as it is configured.

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There is an appropriate ingress/egress easement that currently leads into the site off Hall Road. That ingress/egress easement can be expanded and is subject to an easement agreement that provides for perpetual use of that ingress/egress drive, not only to the existing National Coney Island site but also for the proposed Parcel "B" to the back. There is no violation of any State required ordinance. Specifically, under the Land Division Act, what it requires is suitable access. This ingress/egress easement which currently exists at 60 feet and which we propose to expand to 70 feet will be the suitable access road or easement that is necessary to provide access not only to the existing National Coney Island but also to the Parcel "B" in the back.

The requirement in the Township Ordinance that states all parcels that are developed must front on public road is impractical. There are lots of narrow parcels in the Township and they will be coming in front of you in the future, where the petitioner will be seeking to split them because they are so long or deep and the width is a certain distance. The petitioners will be coming in front of you to split those parcels in order to be utilized as separate parcels under the zoning of the property. Even when the parcel is split the parcels will meet the site criteria of the C-2 Zoning Ordinance. He further reiterated there was no reason whatsoever to deny access to Parcel "B" in the back when there is suitable access that is already provided by this ingress/egress easement. Lastly, the split should have been approved in our opinion. If there are conditions the Township wants relative to the ingress/egress drive, those are conditions that can be met. The property is under common ownership right now and an easement agreement could be drafted that runs in perpetuity that provides the benefit and comfort level the township is looking for and also protects the ingress and egress traffic and the health, safety and welfare concerns the township has.

Member GALLAGHER asked how wide the parcel was.

Tom Kalas stated the parcel was 321 feet wide.

Chairman FLORENCE read a letter dated September 26, 2005 from Paula Sarago in objection to the request as follows:

"I am a Macomb Township resident and my home is 60 feet from the property line of the subject property. I am against the division of this parcel, as whatever business goes there, the traffic, noise, etc. will negatively impact my life. I am concerned that the close proximity of the commercial use to my home will negatively affect my quality of life. Some elderly residents live in the quiet residential area, and I am concerned they will no longer be able to live there."

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Public Portion:

Fred Kesler, Huntcliff representative, questioned what was going into the property that could effect the residents that live within the area.

Tom Kalas stated the property is zoned C-2, and would be for commercial use. There is no specific use at this time.

Ralph Singer, asked if the 70 foot wide egress would run the length of the property to the Huntcliff property.

Tom Kalas stated the egress will not extend to Huntcliff. It would only be provided to access the rear portion of the property.

Warner Stolz, resident of Huntcliff Village, questioned who owned the property between Phase I and II of Huntcliff Village. He believed it belongs to Consumers Power Company and if so would the Township allow building to occur if a variance was granted.

Jerome R. Schmeiser, Planning Consultant, stated that Consumer Power does own the land; it's not an easement. Nothing could be built there that they wouldn't approve of.

Warner Stolz stated there was a retaining wall between Phase I and II between Hayes and Tilch and questioned if another wall would be considered to protect the people from encroaching onto their property.

Jerome R. Schmeiser, Planning Consultant, stated if the property is developed, a six (6) foot wall and a forty (40) foot wide greenbelt will be required between the commercial and residential uses.

Sharlene Crittenden, resident of Balfour, stated she had bought the condominium with the understanding that the piece of property would remain undeveloped because it did not have access. (Ms. Crittenden did not make clear to the property she was referencing). She further questioned the ramifications it would have on the value of her property. Lastly she stated that if you can't tell me what will be going on this property, she felt she was at a loss to where she belonged in this process.

Chairman FLORENCE reviewed the process of being able to receive approval from the Township to develop any property. He then placed the drawing of the proposed parcel split for the public to view.

Jerome R. Schmeiser, Planning Consultant, reviewed the submitted drawing and gave an overall explanation of the split request. Concerns raised by Community Planning

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Consultants include clear visions zones and accesses to the entire parcel including the Coney Island. He also noted that the ultimate plan must met the Zoning Ordinance which indicates that a six (6) foot high wall and forty (40) foot wide greenbelt be developed along the north and east sides of the property. He continued that the land to the east although containing Consumer Power Property, is zoned AG. The proposal by the petitioner shows a seventy (70) foot wide access, forty (40) foot of which must be the greenbelt. Obviously, considerably more study is necessary for the development of the site.

Gary Chyla, 15670 Huntcliff, stated his support of the denial of the request since it would affect the aesthetics and property value of the surrounding property.

MOTION by GALLAGHER seconded by SELVA to close the public portion.

MOTION carried.

MOTION by GALLAGHER seconded by POPOVSKI to deny the variance request of Section 10.0335-Request permission to create a parcel with no frontage or a public street; Located on the north side of Hall Road, approximately ¼ mile east of Hayes Road, Section 31; Simone Mauro, Petitioner. Permanent Parcel No. 08-31-300-014. The variance was denied since the seventy (70) foot ingress/egress will be taking the required greenbelt which will no longer be sufficient and for the two reasons stated in the Planning Consultants recommendations as follows:

- 1. Compliance with the strict letter of the development requirements of the zoning ordinance would not unreasonably prevent the ownership from using the property as zoned. Other commercial structures planned in Macomb Township will be required to comply with the same development requirements of the zoning ordinance which is evidence that the proper development requirements would not be unnecessarily burdensome.**
- 2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the development requirements. As a result the other property owners do not have the opportunity to make use of additional property for development.**

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There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the development requirements from being maintained. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

MOTION carried.

5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.0704B3. Request to allow the first floor of the residence to be 5.85' above the curb rather than 5'.
Located on the Southeast corner of Wicklow and Galway Drives; Lot 71 of the Brook Run Subdivision (North of 22 Mile, East of Romeo Plank Road); Section 21; Cornerstone Land Development, Petitioner. Permanent Parcel No. 08-21-308-010.

Chairman FLORENCE read the findings and recommendations of September 22, 2005. They are as follows:

The petitioner is requesting a variance to increase the maximum 5' height above the lowest top of the curb elevation for this parcel.

A communication from Spalding DeDecker, Township Engineer, indicates that the master grading plan for the Brook Run Subdivision was reviewed and accepted prior to the Township adopting the above noted amendment. "Due to the proposed grading, the fact that this is a corner lot and that the lowest top of curb elevation is approximately two feet lower than the highest top of curb elevation, the finish floor elevation of the proposed house is approximately 5.85' above the lowest curb elevation (i.e. curb adjacent to the southwest corner of this lot).

"The main objective of this amendment was to safeguard against builders trying to force walkout basements where natural or proposed grades would not permit, as well as, to avoid incompatibility with surrounding houses. This is not the case with this lot. Therefore, we have no objection to the variance as requested."

RECOMMENDATION:

It is recommended that the variance request be approved based upon the recommendation of the Engineering Department. The hardship or practical difficulty is based upon the fact that the master grading plan for the subdivision in question was accepted prior to the amendment of the zoning ordinance.

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The following letter of explanation was submitted by the petitioner dated September 12, 2005 as follows:

“We are requesting a variance to allow for more than 5 feet above top of curb. The variance requested is for 11” (eleven inches). The basis for this request is that the Master Grading Plan approved for Brook Run has an error in the design which the lowest top of curb elevation is two feet lower than the highest top of curb elevation. This is a unique circumstance due to a corner lot configuration. Lot 70 to the east is already under construction which prohibits us from revising the grading plan. We therefore respectfully request this variance for Lot 71. “

Stacy Cerget, representative, was in attendance, and stated the grading plan does not allow a house to be built without a variance being granted.

Public Portion: None.

MOTION by SELVA seconded by SLOSSON to close the public portion.

MOTION carried.

The following resolution was offered by SELVA and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board to grant the requested variance of Section 10.0704(B)(3)-Request to allow the first floor of the residence to be 5.85 feet above the curb rather than 5 feet; Located on the southeast corner of Wicklow and Galway Drives; Section 21; Cornerstone Land Development, Petitioner. Permanent Parcel No. 08-21-308-010. The variance was approved based upon the recommendation of the Township Engineer. The hardship or practical difficulty is based upon the fact that the master grading plan for the subdivision in question was accepted prior to the amendment of the zoning ordinance.

MOTION carried.

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6. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.0704 D1, Request to reduce the required setback from 90' to 71' for the parcel and 79' for the residence.
Located on the North side of 21 Mile Road, 671' East of Garfield Road; Section 29; William and Linda Stark, Petitioner. Permanent Parcel No. 08-29-300-002.

Chairman FLORENCE read the findings and recommendations of September 22, 2005. They are as follows:

The petitioner is requesting allowance to create a parcel with an existing residence with a setback of 79.2' as opposed to the 90' required by the zoning ordinance.

The parcel to be created is the west half of a parcel which currently measures 160' x 212'. It is also noted that a 8' x 10' porch exists along the front elevation of the building and projects further into the front yard setback.

The land is zoned R-1 and is surrounded by residential development with commercial to the south across 21 Mile Road.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which are evidence that the proper setback would not be unnecessarily burdensome.
3. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the setback requirement. As a result the other property owners do not have the opportunity to make use of an additional 10±'.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the setback from being maintained 90' from the center line of the road. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

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If, however, the Board of Appeals grants the variance as requested, Community Planning Consultants recommends that an approval be based upon the existing structure only with no other construction allowed within the required 90' setback. This would include enclosing the current porch, or any future additions that may be considered for the property.

The following letter of explanation was submitted by the petitioner dated September 12, 2005 as follows:

"The reason for this variance is so that we may complete the parcel splits as shown in the survey prepared by Lehner Associates, Inc.

1. The strict enforcement of the Township ordinance would present us with an unnecessary hardship because of financial needs.
2. The location of the house on Parcel A has been there since 1952 when the road was gravel. We have owned the property since 1976 and the road has since been paved.
3. The circumstances were not created by the owner because the road was widened when the subdivision and the strip malls were built.
4. The requested variance will not confer special privileges because the parcel will be close to sizes existing lots in the subdivision around Parcel A and Parcel B."

Frank Bernabei, representative, was in attendance and presented a handout to the members showing how the split will not change the existing house. He also stated the builder of the proposed lot will conform to the requirements of the Zoning Ordinance.

Member GALLAGHER questioned if the petitioner would have any problems with a condition, if the variance were to be granted, that there could be no improvements made to the existing dwelling within the right-of-way.

Jerome R. Schmeiser, Planning Consultant, added to the recommendation that if any new construction, even if the existing house were to be torn down would have to comply with the Zoning Ordinance.

Public Portion: None.

MOTION by GALLAGHER seconded by SLOSSON to close the public portion.

MOTION carried.

The following resolution was offered by GALLAGHER and seconded by SLOSSON:

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Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board to grant the requested variance of Section 10.0704(D)(1)-Request to reduce the required setback from 90 feet to 71 feet for the parcel and 79 feet for the residence; Located on the north side of 21 Mile Road, 671 feet east of Garfield Road; Section 29; William and Linda Stark, Petitioner. Permanent Parcel No. 08-29-300-002. The variance was granted with the stipulation that any new construction (additions, or new residence) for Parcel A must conform to the Township setback requirements.

MOTION carried.

7. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.0704A3C Request to reduce the lot depth from 120' to 118.18'; and section 10.0470D3b, to reduce the rear yards from 35' to 33'. Located on the North side of 25 Mile Road, approx. 1/4 mile East of Luchtman Road; Section 4; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.

Chairman FLORENCE read the findings and recommendations of September 22, 2005. They are as follows:

The petitioner is requesting a variance to allow the creation of lots that will be approximately 1.9' shy of the required 120' of depth. The petitioner is also requesting allowance to provide a 33' rear yard setback where a 35' setback is required by the zoning ordinance for those lots backing to the Township park.

In the development process of West Park, it was discovered that the legal description for West Park overlapped with the legal description of the Macomb Township Park located east of the development. The petitioner has agreed to forego an amendment to the West Park plat to exclude the questionable property so long as a variance can be granted so that the platting of the West Park area may proceed. All of the parcels in question which would ultimately be part of West Park back toward the Township Park. At issue are lots 45 thru 56. Likewise, the rear yards of all the parcels in question back to the Township park.

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RECOMMENDATION:

It is recommended that the variance request be granted and to maintain the legal description of the Township park as well as the proposed West Park Subdivision.

The following letter of explanation was submitted by the petitioner dated September 16, 2005 as follows:

“West Park Estates Subdivision has received Tentative Preliminary Plat approval on June 22, 2005. Final boundary calculation identified an overlap in properties with the Township Park located to the east of our development. Through various meetings and discussions with the Township, it was agreed on that obtaining variances for lots 45 through 56 would be the best solution.

The variance we are asking for is to reduce the lot depth to 118.18 feet (worst case, for exact dimensions refer to Tentative Preliminary Plat) and also reducing the rear yard setback from 35 feet to 33 feet, on lots 45 through 56.”

Jeff Allegoet, representative, was in attendance and stated the error had been discovered in the later stages of the development.

Public Portion:

Tim Skipinski, 55430 Raspberry, asked if the requested variance would affect the lots on the west side of the proposed development.

Jeff Allegoet, stated no.

MOTION by SLOSSON seconded by SELVA to close the public portion.

MOTION carried.

The following resolution was offered by GALLAGHER and seconded by SELVA:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

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Now, therefore, be it resolved that pursuant to the action of the Board to grant the requested variance of Section 10.0704(A)(3)(C)-Request to reduce the lot depth from 120 feet to 118.18 feet; Located on the north side of 25 Mile Road, approximately ¼ mile east of Luchtman Road; Section 4; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005. The variance request is granted for lots 45 thru 56 and to maintain the proper legal description for the proposed West Park Subdivision and the township park (Macomb Corners Park).

MOTION carried.

The following resolution was offered by GALLAGHER and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board to grant the requested variance of Section 10.0704(D)(3)(b)-Request permission to reduce the rear yards from 35 feet to 33 feet; Located on the north side of 25 Mile Road, approximately ¼ mile east of Luchtman Road; Section 4; Montana Homes, Petitioner. Permanent Parcel No. 08-04-300-005. The variance request was granted for lots 45 thru 56 and to maintain the property legal description of the proposed West Park Subdivision and the township park (Macomb Corners Park).

9. OLD BUSINESS

None.

10. NEW BUSINESS

Member SELVA asked if an overhead picture could be prepared for those in attendance to view during the discussion of the item.

11. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, reviewed agenda item 8 as to how the site plan review will be critical and most likely better handled through a consent judgment.

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12. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN
CONNECTION WITH THIS AGENDA.

**MOTION by GALLAGHER seconded by SLOSSON to receive and file all
correspondence.**

MOTION carried.

ADJOURNMENT

MOTION by POPOVSKI seconded by SLOSSON to adjourn the meeting at 8:12 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK